

July 2011

ATTACHMENT 3

LPA PROJECT SCOPE

A. PROJECT IDENTIFICATION

ATTACH MAP OF PROJECT LOCATION

County	STA	Rte	3 rd St. S.E.	Section	
Project Sponsor/Maintenance Responsibility		Canton City			
Local Let	Yes	If yes, Please complete LPA Local-let Participation Review Form [attached]			
ODOT Let	No	Project Manager			
Scope Field Review Date		Scope Meeting Date			
Highway Functional Class		Local			
PID					
Fiscal Year	PE	2013	RW	n/a	CO 2015 Proposed Sale Date
PDP Classification		Environmental Document			

B. DESIGN STANDARD TO BE UTILIZED

ODOT L & D Manual

C. PROJECT DESCRIPTION

Transportation Issue to Be Corrected:

The project will replace the superstructure of this structurally deficient bridge and rehab the existing substructure and approaches.
The bridge was load-rated in Nov. 2009 and rated 92% Ohio Legal Load.

Prior Studies/Plans [identify]

None

Estimated Project Length [begin pavement to end pavement, including bridge] 250 ft.

Work Length [including project length and approach work] 250 ft.

Limits: begin end

alignment existing x relocated

profile existing x new

logical termini [with explanation]:

Bridge superstructure to be replaced within existing footprint.

D. TYPICAL SECTIONS *EXISTING*Primary Route: 3rd St. S.E.

Width

pavement: 24 ft. graded shoulder: treated shoulder: RW: 60 ft.

Bridge: face to face of rails 33 ft. toe to toe of parapets

curbs yes ☒ no commentcurb ramps yes no ☒ commentsidewalks yes ☒ no commentguardrail yes no ☒ type**TYPICAL SECTIONS *PROPOSED***

Route

Width

pavement: TBD graded shoulder: treated shoulder: RW: 60 ft.

Bridge: face to face of rails TBD toe to toe of parapets

curbs yes ☒ no commentcurb ramps yes ☒ no commentsidewalks yes ☒ no commentguardrail yes ☒ no type**SUPPLEMENTAL INFORMATION**

ADT 200 Design ADT 250

DHV Certified Traffic

T24

Design Speed 35 Legal Speed 35

Comments

TYPICAL SECTIONS *EXISTING*

Secondary Route:

Width

pavement: graded shoulder: treated shoulder: RW:

Bridge: face to face of rails toe to toe of parapets

curbs yes no comment

curb ramps yes no comment

sidewalks yes no comment

guardrail yes no type

TYPICAL SECTIONS *PROPOSED*

Route

Width

pavement: graded shoulder: treated shoulder: RW:

Bridge: face to face of rails toe to toe of parapets

curbs yes no comment

curb ramps yes no comment

sidewalks yes no comment

guardrail yes no type

SUPPLEMENTAL INFORMATION

ADT Design ADT

DHV Certified Traffic

T24

Design Speed Legal Speed

Comments

E. RIGHT OF WAY

Right of Way Plan	yes	_____	no	x	_____
Approximate number of parcels	_____				
known relocations	yes	_____	no	x	_____
Railroad involvement	yes	_____	no	x	_____
Railroad name	_____				
Encroachments	_____				
Airway Highway Clearance	yes	_____	no	x	_____
Remarks	_____				
Airport Name	_____				
Comments	_____				

Note: Provide a footprint of proposed and existing right of way limits as soon as a available to District Env. Coordinator and District Real Estate Administrator. **Caution:** Environmental needs to be clear prior to the beginning of right of way acquisition. A local utilizing their own monies, assumes many risks by proceeding with acquisition prior to environmental being cleared. These risks include purchasing r/w that may never be used for the project and purchasing a site that contains the need for hazardous waste cleanup.

F. UTILITIES**Aerial**

Phone	yes	x	no	_____	name of company	_____
Cablevision	yes	x	no	_____	name of company	_____
Power	yes	x	no	_____	name of company	_____

Buried

Phone	yes	_____	no	x	name of company	_____
Cablevision	yes	_____	no	x	name of company	_____
Power	yes	_____	no	x	name of company	_____
Gas	yes	x	no	_____	name of company	_____
pipelines	yes	_____	no	x	name of company	_____
water	yes	x	no	_____	private	_____
sanitary sewer	yes	x	no	_____	private	_____
storm sewer	yes	x	no	_____	private	_____
other	yes	_____	no	_____	private	_____
comments	_____					

G. STRUCTURAL REQUIREMENTS

EXISTING STRUCTURE INFORMATION

Structure Type Pre-stressed Box Beams
Sufficiency Rating 28.7 General Appraisal 4A Bridge Number STA 3RD SE 3EB
Structure File No. 7660898 crossing Middle Branch of Nimishillen Creek
Bridge Length 100 ft.
Number of Spans 2
Eligible for National Register yes ☐ no ☒

PROPOSED STRUCTURE INFORMATION

New Structure yes ☐ no ☒
Rehabilitate Existing Bridge by: Replace superstructure and approaches.
Structure Width TBD Structure Type TBD
Number of Spans 2
Beam Type Concrete Box ☒ Steel ☐
Other Design Considerations/Explanation of change in Line Grade _____

Guardrail Type TBD

H. DESIGN EXCEPTION[S] REQUIRED

yes ☐ no ☒ explain _____

I. TRAFFIC CONTROL

Signing	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>	Remarks	_____
Striping	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>	Remarks	_____
Lighting	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>	Remarks	_____
Signals	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>	Remarks	_____
RPMs	yes	<input type="checkbox"/>	no	<input type="checkbox"/>	Remarks	_____

J. MAINTENANCE OF TRAFFIC

Detour Probable during bridge construction Part Width no
Remarks _____

K. DRIVEWAYS

yes ☒ no ☐ Remarks _____

L. PROJECT FUNDING

Project Cost Estimate \$521,000

Quantity Splits needed in plans to differentiate funding participation? yes no ☒

comments

Coordination with concurrent project required comments	yes	no	<input checked="" type="checkbox"/>
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COST ESTIMATES

[illegible]

M. Environmental

Summary of Common Environmental Studies

Note: all required environmental studies must be performed by pre-qualified consultants and the number of copies required is subject to change based on project-specific coordination and schedule requirements.

Cultural Resources

- ☐ Photologs (3 copies)
- ☐ Phase I Short Report (3 copies)
- ☐ Phase I Cultural Resources Survey Report (3 copies)
- ☐ Phase I History/Architecture Survey Report (3 copies)
- ☐ Phase I Archaeology Survey Report (3 copies)
- ☐ Phase II Cultural Resources Survey Report (3 copies)
- ☐ Phase II History/Architecture Survey Report (3 copies)
- ☐ Phase II Archaeology Survey Report (3 copies)
- ☐ Phase III Archaeology Data Recovery (4 copies)
- ☐ Addendum reports/submissions (3-4 copies)
- ☐ Documentation for Consultation/MOA (4-5 copies)
- ☐ HABS/HAER/6(f); Recreational/Cultural Documentation (4 copies)

Section 4(f)

- ☐ Determination of Non-Applicability of Section 4(f) (Draft: 2 copies, Final: 3 copies)
- ☐ Determination of Applicability of Programmatic Section 4(f) (Draft: 2 copies, Final: 3 copies)
- ☐ Individual Section 4(f) Evaluation (Draft: 3 copies, Final: 10 copies)
- ☐ Section 6(f) Documentation (Draft: 3 copies, Final: 4-5 copies)

Ecological Resources

- ☐ Ecological MOA (4 copies for two agency coordination or 6 copies for Four Agency Coordination)
- ☐ Wetland Delineation Report (4 copies for two agency coordination or 6 copies for Four Agency Coordination)
- ☐ Level 1 Ecological Survey Reports (6 copies for Four Agency Coord. and 7 copies for Five Agency Coord and high impact projects)
- ☐ Level 2 Ecological Survey Reports (6 copies for Four Agency Coord and 7 copies for Five Agency Coord and high impact projects).
- ☐ **Add 2 additional copies for involvement with Scenic Rivers

Sole Source Aquifer

- ☐ Sole Source Aquifer Coordination - (3 copies)

Farmland Policy Protection Act (FPPA)

- ☐ FPPA Project Screening Sheets (1 copy, may be submitted electronically)
- ☐ Farmland Conversion Impact Rating-Form (USDA Form AD-1006) (4 copies)

Waterway Permits

- ☐ Conceptual Stream/Wetland Mitigation reports (Draft: 2 copies, Final: 6 to 7 copies)
- ☐ Section 404/401 Applications (Draft: 2 copies, Final: 10 copies)
- ☐ USACE Pre-Construction Notification (PCN) applications (Draft: 2 copies, Final: 5 copies)
- ☐ Ohio EPA Isolated Wetland Permit Pre-Activity Notification (PAN) (Draft: 2 copies, Final: 4 copies)
- ☐ Coastguard Section 9 Application (Draft: 2 copies, Final: 3-4 copies)
- ☐ Flood Plain Permit Application (Draft: 2 copies, Final: 3-4 copies)

Environmental Site Assessment

- ☐ Environmental Site Assessment Screening Report (2 copies)
- ☐ Phase I Environmental Site Assessment Report (2 copies)
- ☐ Phase II Environmental Site Assessment Report (2 copies)

Noise

- ☐ Traffic Noise Analysis Report (Draft: 2 copies, Final: 2 copies)
- ☐ Ambient Noise Level Report (Draft: 2 copies, Final: 2 copies)
- ☐ Noise Barrier Public Involvement Summary (Draft: 2 copies, Final: 2-3 copies)

Public Involvement Activities

- ☐ Public Involvement Plan (Draft: 2 copies, Final: 2-3 copies)
- ☐ Along w/ the tasks for a public involvement activities that are included in the project scope
- ☐

Categorical Exclusion (CE) Environmental Document

- ☐ CE Level 1 Environmental Document (Draft: 1 copy, Final: 2 copies)
- ☐ CE Level 2 Environmental Document (Draft: 1 copy, Final: 2 or 3 copies)
- ☐ CE Level 3 (Draft: 2 copies, Final: 4 copies)
- ☐ CE Level 4 (Draft: 2 copies, Final: 5 copies)
- ☐ CE Reevaluation (Draft: 1-2 copies, Final: 3-5 copies)

Scope of the Proposed Action/Involvement with Resources: These are actions/items the District Environmental Staff deems necessary to address as part of the LPA project environmental documentation . This form is not all inclusive, and more items may be required upon initiation of agency coordination and field studies

N. ROLES AND RESPONSIBILITIES

Construction Plan Development
Proposal/Specification Development
LPA Agreement
Form and Preliminary Legislation
Advertising and Award of Contract
Construction Inspection
RW Plan Development
RW Acquisition /Appraisals
Utility Relocation

O. FIELD REVIEW

NAME	AGENCY	PHONE	E-mail

P. COMMITMENT DATES

Traditional _____ Local Let _____ Reservoir _____

ACTIVITY	START DATE	FINISH DATE
Authorization to Proceed		
Stage 1 Review		
Stage 2 Review		
Stage 3 Review		
RW Plans Approved/Not Required		
Bid document tracings to District		
RW and Utility Clearance		
Environmental Clearance		
Plan Package to CO		
Award Date		

Other due dates of interest:

- County to submit plans, proposal, estimate [PS&E] to the District
- County certifies R/W and utility clearance to the District
- County submits bid results to District

Schedule Explanation: **Authorization to Proceed** Start Date is the date that the District submits the programming package to Central Office. Finish Date for said activity is when a state job number has been established. Start Date for **Environmental Clearance** is normally the same as the date the project has been programmed. Start Date for **Stage 2 Review** is the date of submission to the District of the preliminary R/W plans. Finish date for said activity is when comments are returned to the LPA. Start Date for **R/W Plan Approved** is when the District has received final R/W plans and associated documents. Finish Date for said activity is when the District has approved said plans and associated documents. Start Date for **R/W and Utility Clearance** is the date that the LPA is authorized to begin acquisition. Finish Date for said activity is when the District certifies clearance to FHWA. The LPA should verify R.W and Utility Clearance to the District one month before the R/W and Utility Clearance Finish Date. Start Date for **Plan Package to C.O.** is the date that the PS&E package leaves the District and the Finish Date is the day it is logged in at Central Office. One should allow forty-five days from Plan Package to C.O for PS & E approval and project advertising before the Sale Date. Advertising needs to be three weeks minimum and cannot start until PS&E approval is obtained. Start Date for the **Award Date** is the Sale Date of the project. And the Finish Date for the Award Date is the date the project is awarded. Summary of bid tabs and the identity of the awarded contractor shall be submitted to ODOT no later than one week after the award.

Project Schedule Approval:

Environmental Coordinator _____

Program Manager _____

Production Administrator _____

Real Estate Administrator _____

Project Manager _____

Planning Administrator _____

LPA Coordinator _____

Local Public Agency (LPA)

Project Name

Upon receipt of an LPA's initial project programming package, the District Office shall thoroughly review and evaluate the content with regard to the following requirements for Local-let Program participation. Failure by the LPA to demonstrate a satisfactory status for any of these prerequisites shall result in the District denying the LPA the privilege of administering the delivery of a Local-let project.

1. The LPA agrees to adhere to the Ohio Department of Transportation (ODOT) Locally Administered Transportation Projects Manual of Procedures.
2. The LPA's Person in Responsible Charge accepts the following responsibilities:
 - a. Ensure that all applicable Federal and State regulations are followed on the project and have the responsibility, authority and resources to manage it effectively.
 - b. Serve as agency contact for issues or inquiries concerning the project.
 - c. Be familiar with project progress, involved in decisions that require change orders, and visit the project on a frequency that is commensurate with the magnitude and complexity of the project.

Person in Responsible Charge:

Daniel J. Moeglin, P.E.

Current Roles and Responsibilities within LPA:

City Engineer

Statement of Qualifications:

Prequalified as an LPA for federally funded projects

3. Identify the LPA Designee to serve as the Construction Project Engineer (CPE), or if the CPE will be provided through contracted consultant services:

Consultant Services (TBD by ODOT approved QBS process.)

4. The LPA must have previously delivered and maintained successful capital improvement projects of a similar size, nature and complexity.

Project Name:	ODOT PID:	Letting Agency	Amount::	Funding Sources:
Tuscarawas St. Roadway Improvements	22872	City of Canton	\$6,222,501	SCATS, ODOT, OPWC, City
Scope: Widening, resurfacing, traffic signals, lighting, streetscape, ramps and curbs				
Issues / Comments: None				

Project Name:	ODOT PID:	Letting Agency	Amount::	Funding Sources:
Fulton Rd./Park Dr. NW Intersection	86379	City of Canton	\$1,000,000	ARRA, OPWC, City
Scope: Roadway improvements, traffic signal, lighting, streetscape, curbs and curb ramps				
Issues / Comments: None				

Project Name:	ODOT PID:	Letting Agency	Amount::	Funding Sources:
Sherrick Rd. SE Subgrade Stabilization and Resurfacing	86380	City of Canton	\$980,000	ARRA, City
Scope: Subgrade stabilization and resurfacing				
Issues / Comments: None				

5. Indicate for what project phases the LPA expects to contract consultant services. If function is performed by LPA staff, indicate the LPA Designee(s) responsible:

Environmental:	Consultant
Design:	Consultant
PS&E (Including Bid Document)	City Project Manager
Right-of-Way	n/a
Construction Administration & Inspection	City Const. Mgr & Consult.
Sampling and Testing	Consultant

6. The LPA has established and documented practices for each of the following project administration responsibilities. The LPA must indicate LPA support staff responsible for the management of these processes. ***Written processes* should be attached separately to this form***, or documented in the space provided (field will expand).

- a. *Consultant Services Evaluation and Selection:

<u>LPA Designee(s):</u> City Engineer
<u>Process Description:</u> City of Canton Board of Control uses its Federally/ODOT approved Consultant Selection Services

- b. Consultant Services Management:

<u>LPA Designee(s):</u> City Engineer
<u>Process Description:</u> The City Engineer follows ODOT PDP for plan development and Consultant Services Manual for Consultant Management.

- c. *Change Order Process

<u>LPA Designee(s):</u> City Engineer
<u>Process Description:</u> See Attached.

- d. *Dispute Resolution / Claims Management Process

<u>LPA Designee(s):</u> Director of Administration
<u>Process Description:</u> See Attached.

- e. Finance, Accounting and Record Keeping:

<u>LPA Designee(s):</u> City Construction Manager
<u>Process Description:</u> Direct oversight by construction engineering consultant.

- f. Disadvantaged Business Enterprise (DBE) compliance:

<u>LPA Designee(s):</u> City Construction Manager
<u>Process Description:</u> Direct oversight by construction engineering consultant.

- g. Davis-Bacon and/or State Prevailing Wages Compliance:

<u>LPA Designee(s):</u> City Construction Manager
<u>Process Description:</u> Direct oversight by construction engineering consultant.

- h. Maintenance of Project Files:

<u>LPA Designee(s):</u> City Engineer
<u>Process Description:</u> Separate project file will be maintained in the office of the City Engineer.

7. The LPA must not be under fiscal watch or fiscal emergency for its most recently completed fiscal year. In the event the entity is emerging from fiscal watch or fiscal emergency, the entity must be able to clearly demonstrate that it has adequate financial resources to fund matching and/or cost overruns on the project. The LPA must submit a copy of its most recently completed audit and management letter. Both documents must support the entity's ability to fiscally handle and administer the project. There should be no material or significant issues related to prior or current ODOT projects, by the entity as a whole, which would provide doubt regarding the LPA's ability to administer an LPA project
8. The LPA has established authority in place for executing the project, and must be willing to provide a copy of approved legislation that provides the mayor, county engineer or other designated local official with clear authority to enter into a project agreement with ODOT.

Signature:

(LPA Person in Responsible Charge)

Date

(Attach to project programming package; include copies of all materials used in completing this evaluation.)

ODOT District Use Only:

The District LPA review team has evaluated the completed statement of qualifications provided by the requesting LPA and recommends the following:

	Approval of full administration of all project work types by the LPA, subject to satisfactory performance and no change in stated qualifications. Comment:
	Approval of limited LPA administration on a project-by-project basis. Primary Work Type(s) approved: Comment::
	Approval / Denial pending the provision of supplemental information. The LPA qualification package was lacking the following information necessary to make a determination: Comment:
	Denial of LPA administration request. Comment:

District Review Team:

Name / Title:
Name / Title:
Name / Title:
Name / Title:

Description	Quantity	Unit	Price	Cost
Portions of Structure Removed	1	Lump	\$ 26,000	\$ 26,000
Epoxy Coated Reinforcing Steel	19,000	Lb	\$ 1	\$ 19,000
Class C Concrete - Abutment	16	Cu Yd	\$ 375	\$ 6,000
Class HP Concrete - Deck	64	Cu Yd	\$ 550	\$ 35,200
Class HP Concrete - Sidewalk	20	Cu Yd	\$ 450	\$ 9,000
Class HP Concrete - Parapet	200	Ft	\$ 125	\$ 25,000
Sealing of Concrete Surfaces	270	Sq Yd	\$ 10	\$ 2,700
Precast Concrete Box Beams (Composite)	16	Each	\$ 10,000	\$ 160,000
Deck Compression Seal	64	Ft	\$ 250	\$ 16,000
Bearings	64	Each	\$ 125	\$ 8,000
Porous Backfill	32	Cu Yd	\$ 50	\$ 1,600
Approach Slab	107	Sq Yd	\$ 145	\$ 15,515
Subtotal				\$ 350,000
Design Contingency			20%	\$ 70,000
Total (2011)				\$ 420,000
Inflation Contingency (ODOT Business Plan Inflation Calculator)			24.1%	\$ 101,000
Total (2015)				\$ 521,000

Canton Engineering Change Order Policy

The need for a Change Order for work or materials not included in the scope of the contract or exceeding plan quantities may occur at any time during the contract. The LPA Construction Manager or the LPA Contractor may initiate the Change Order process. The LPA Project Inspector will document the date that the change is first encountered. The LPA Construction Manager will determine if a change in the contract is needed. (Note: LPA Project Inspector may be a Consultant Construction Contract Administrator or the Canton Project Inspector assigned to the project.) The project record shall include record of all changes.

Change Orders will be categorized into the following Tiers:

Tier 1:

A quantity adjustment for projects less than \$500,000.00 cannot exceed \$25,000.00 to qualify as a Tier 1 Change Order. A quantity adjustment for projects greater than \$500,000.00 cannot exceed the lesser of 5% or \$100,000.00 to qualify as a Tier 1 Change Order. The change of the quantities will be adjusted on a Change Order that will address these changes after an accumulation of adjustments for the project is received. Requests for adjustment may occur at any time before the final payment is made.

Tier 2:

Changes that cannot be addressed using contract unit prices, exceed the Tier 1 limits, extend the contract limits, or change the environmental impact will be presented formally on a Change Order. Contractor shall submit an estimated cost and scope of the work to be performed to the LPA Project Manager. The LPA Project Manager will assemble the documentation, including purpose and analysis of the cost of the proposed change for submission to the LPA Construction Manager. LPA Construction Manager shall review the submitted documentation for availability of funds, acceptability of costs and need for the said changes. Further, the LPA Construction Manager will secure concurrence from ODOT Construction Monitor and make recommendation to the Canton City Engineer for acceptance.

The Change Order will then be recommended to the Board of Control for approval. If the sum of all Change Orders exceeds the lesser of \$100,000.00 or 10% of the total of the original contract cost, the Change Order will be presented to the Canton City Council for approval before being submitted to the Board of Control.

Execution of the work will not be performed until authorization is given to the contractor from the LPA. In the event that an agreed price cannot be negotiated, LPA will adhere to force account procedures.

Authorization of Change Order Work:

Tier 1:

The Canton City Engineering will authorize the work prior to submission of the Change Order. Contractor cannot proceed until such authorization.

Tier 2:

The contractor must receive written authorization, from the Canton City Engineer, before the execution of any of the Change Order work. This authorization will not be given until the Change Order has been approved by the Board of Control, Canton City Council, and ODOT, as needed. The Canton City Engineer may override Tier 2 Authorization procedure for any circumstances to assure safety, environment, or protection of property.

NOTE: Canton City Council must approve all Change Orders prior to authorization for both Tier 1 and Tier 2 should the individual or aggregate cost of all Change Orders exceed the lesser of \$100,000.00 or 10% of the project original cost.

City of Canton Engineering Department's Claims Management Policy

The City of Canton recognizes the need to contend with claims experienced by the contractor that are not addressed by the contract. This policy acts as directive to provide stability and expertise in the management of its claims and to ensure they are investigated, evaluated, and resolved in a timely and professional manner.

Claims

A dispute is not identified as a claim until a *Notice of Intent to File a Claim*. The *Notice of Intent to File a Claim* cannot be made until Steps 1 and 2 are completed. A claim is defined as formal assertion by the contractor for something due or believed to be due to the contractor. This claim may include monetary compensation and/or time extension for the completion of the contract. All claims must be presented by the Prime Contractor. Claims submitted by a sub-contractor or supplier against the City or Prime Contractor shall not be accepted.

Purpose

This policy attempts to resolve disputes in a fair and cost-effective manner. The documentation resulting from this procedure will provide information needed to make a reasonable and unbiased decision. City of Canton Engineering acknowledges that costs can be kept to a minimum when the resolution is found at the departmental level.

Process

The Contractor must follow this policy to be eligible for any compensation (time or monetary) for any and all claims not covered by the Change Order Policy. All steps in the policy must be completed prior to moving to the next step. The Contractor shall continue with all Work, including that which is in dispute. The City will continue to pay for work being performed.

Prior to entering into the formal claim resolution process, both the contractor superintendent and the City's Inspector and Construction Manager agree to attempt to resolve any disputes in a good faith effort that is fair and equitable to both the contractor and the City within the guidelines and requirements established by the contract. If this good faith effort does not resolve the problem, the contractor may proceed into the Claims Management Procedure.

Step 1 City Project Manager

The City Project Manager shall meet with the Contractor's superintendent and City Construction Inspector within two (2) working days of receipt of the Contractor Written Early Notice set forth in 104.02.G of the ODOT Construction and Material Specifications. The City Project Manager will negotiate in an effort to reach a resolution according to the Contract Documents. The City Project Manager will issue a written decision of Step 1 within fourteen (14) calendar days of the meeting. If the dispute is not resolved, the Contractor must either abandon or escalate the dispute to Step 2. The claim along with all pertinent information and contract provisions shall be presented to the City Project Manager by the contractor and City representatives.

Step 2 City Engineer

Within seven (7) calendar days of receipt of the Step 1 decision, the Contractor must submit a written request for a Step 2 meeting to the City Engineer. The City Engineer will assign the

dispute a dispute number. Within fourteen (14) calendar days of receipt of the request for a Step 2 meeting, the Contractor shall submit the Dispute Documentation as follows:

1. The Contractor shall submit three (3) complete copies of the documentation of the dispute to the City Engineer.
2. The Dispute Documentation shall be identified on a cover page by GP# (project number), Contractor name, subcontractor or supplier if involved in the dispute, and dispute number.
3. The Dispute Documentation shall be an original document that clearly and in detail gives the required information for each item of additional compensation and time extension requested.
4. A narrative of the disputed work or project circumstance at issue. This section must include the dates of the disputed work and the date of early notice.
5. References to the applicable provisions of the plans, specifications, proposal, or other contract documents. Copies of the cited provisions shall be included in the Dispute Documentation.
6. The dollar amount of additional compensation and length of contract time extension being requested.
7. The cost and supporting documents that served as the basis for the requested compensation stated in number six (6) above.
8. A detailed schedule analysis must be included in the Dispute Documentation for any dispute concerning additional contract time, actual or constructive acceleration, or delay damages. At a minimum, the schedule analysis must include the Schedule Update immediately preceding the occurrence of the circumstance alleged to have caused delay and must comply with accepted industry practices. Failure to submit the required schedule analysis will result in the denial of that portion of the Contractor's request.
9. Copies of relevant correspondence and other pertinent documents.

The City Engineer shall review and recommend a resolution to the claim. If recommended by the City Engineer, the process will cease and the claim will be processed as a Change Order. Otherwise, the City Engineer will meet with the contractor's representative, the City Project and Construction Managers within fourteen (14) days to hear each party's stance and as a last chance opportunity to resolve the claim before escalating to Step 3. The City Engineer will issue a written determination of Step 2 to the contractor and project file within fourteen (14) days. If the dispute is not resolved, the Contractor must either abandon or escalate the dispute to Step 3.

Step 3 Canton Service Director

Within fourteen (14) calendar days of receipt of the Step 2 decision, the Contractor must submit a written *Notice of Intent to File a Claim* to the Canton City Service Director. This notice shall state the Contractor's request for a Canton Service Director hearing on the claim. The dispute

becomes a claim when the Service Director receives the *Notice of Intent to File a Claim*. The City of Canton Law and Purchasing Departments will provide advice to the Canton Service Director. The Canton Service Director will be responsible for deciding claims.

The Contractor shall submit six (6) complete copies of its Claim Documentation to the City Engineer within thirty (30) calendar days of receipt of the *Notice of Intent to File a Claim*. This time frame may be extended upon mutual agreement of the parties and with approval of the Committee. In addition to the documentation submitted at Step 2, the narrative shall be enhanced to include sufficient description and information to enable understanding by a third party who has no knowledge of the dispute or familiarity with the project. This documentation must also include a discussion of the efforts taken to resolve the dispute. When submitting the Claim Documentation, the Contractor must certify the claim in writing. Such certification shall attest to the following:

1. The claim is made in good faith.
2. To the best of the Contractor's knowledge, all data offered to support the claim is accurate and complete.
3. The claim amount accurately reflects the Contractor's actual incurred costs and additional time impacts.

This claim certification shall also be notarized pursuant to the laws of the State of Ohio. The following is an example of the correct form for a claim certification:

(The Contractor) certifies that this claim is made in good faith, that all supporting data is accurate and complete to the best of (the Contractor's) knowledge and belief, and that the claim amount accurately reflects the contract amendment for which (the Contractor) believes the City of Canton is liable.

By: _____
(The Contractor, Name and Title)
Date of Execution: _____

Within thirty (30) calendar days of receipt of the Contractor's Claim Documentation, the City Engineer shall submit six (6) complete copies of its Claim Documentation to the Canton Service Director. In the event that the Contractor is granted a time extension for the submission of its Claim Documentation, the City Engineer will be granted an equal time extension for submission of its Claim Documentation. At a minimum, the City Engineer's Claim Documentation must include:

1. A narrative of the disputed work or project circumstance at issue with sufficient description and information to enable understanding by a third party who has no knowledge of the dispute or familiarity with the project. This section must include the dates of the disputed work and the date of early notice. The narrative must also discuss the prior efforts taken to resolve the dispute.

2. References to the applicable provisions of the plans, specifications, proposal, or other contract documents. Copies of the cited provisions shall be included in the claim document.
3. Response to each argument set forth by the Contractor.
4. Any counter-claims, accompanied by supporting documentation, the Canton Service Director Claims Committee wishes to assert.
5. Copies of relevant correspondence and other pertinent documents.

Within fourteen (14) calendar days of receipt of the Construction Manager's Claim Documentation, the City Engineer will forward one (1) complete copy to the Contractor and will schedule a hearing on the dispute. Once a hearing date has been established, both the Contractor and Construction Manager shall provide the Canton City Engineer with the list of names and telephone numbers of each person who may present information at the hearing. Reasonable time, generally not to exceed 60 days, will be provided for submission and review of additional documentation by either party prior to the hearing date. However, unless otherwise permitted by the Committee, the exchange of documentation and all disclosures specified in this step of the process shall be completed at least fourteen (14) calendar days prior to the hearing. Upon request or at the Committee's discretion, the Committee may delay the hearing one (1) time to allow more time for review and requests for more documentation. In the event of multiple claims, the Committee may order that they be considered in a single hearing. The Committee may hold this hearing after the completion of the project or until such time that it is assured that all disputes on the project have been processed through Steps 1 and 2. The Contractor and Construction Manager will each be allowed adequate time to present their respective positions before the Committee. The Contractor and Construction Manager will also each be allowed adequate time for one (1) rebuttal limited to the scope of the opposing party's presentation. The Contractor's position will be presented by a Contractor's representative who is thoroughly knowledgeable of the claim. Similarly, the Construction Manager's position will be presented by the Construction Manager or a representative who is thoroughly knowledgeable of the claim. Each party may have others assist in the presentation. The Committee may, on its own initiative, request information of the Contractor in addition to that submitted for the hearing. If the Contractor fails to reasonably comply with such request, the Committee may render its decision without such information. Upon completion of the hearing and consideration of any additional information submitted upon request, the Committee will submit a written recommendation on the disposition of the claim to the Canton Service Director. The Canton Service Director will ratify, modify, or reject the recommendation of the Committee and render its decision within sixty (60) calendar days of the hearing. Within thirty (30) calendar days of receipt of the Committee's decision, the Contractor must either accept or reject the decision in writing. In the event the Contractor fails to do so, the Committee may revoke any offers of settlement contained in the decision. The decision of the Committee is the final step of Canton Engineering Department Dispute Resolution Process and may not be appealed within the Department. The Committee is not bound by any offers of settlement or findings of entitlement made during Steps 1 and 2 of the Dispute Resolution Process.

Acknowledgements.

Similarities in language and procedure to ODOT Proposal Note 109 are deliberate. An attempt is being made to model the ODOT's Dispute Resolution and Administrative Claim Process. This attempt is being made to standardize and create a uniform practice across the industry.

